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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 VICTORY ILSUNG,

12 Plaintiff,

13 v.

14 MICHAEL YEH,

15 Defendant.  
16

No. 2:20-cv-1032 JAM DB P

ORDER SETTING SETTLEMENT  
CONFERENCE

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C.  
18 §1983. The court has determined that this case will benefit from a settlement conference.  
19 Therefore, this case will be referred to Magistrate Judge Carolyn K. Delaney to conduct a  
20 settlement conference on September 28, 2021 at 9:30 a.m. The settlement conference will be  
21 conducted by video conference.

22 The court will issue a separate order and writ of habeas corpus ad testificandum to secure  
23 plaintiff's video presence in due course.

24 In accordance with the above, IT IS HEREBY ORDERED that:

- 25 1. The stay in this action is extended through September 28, 2021.  
26 2. This case is set for a settlement conference before Magistrate Judge Carolyn K.  
27 Delaney on September 28, 2021 at 9:30 a.m. The settlement conference will be  
28 conducted by video conference.

- 1           3. The court will issue a writ of habeas corpus ad testificandum to secure plaintiff's  
2           video presence at the settlement conference.
- 3           4. Parties are instructed to have a principal with full settlement authority present at the  
4           Settlement Conference or to be fully authorized to settle the matter on any terms. The  
5           individual with full authority to settle must also have "unfettered discretion and  
6           authority" to change the settlement position of the party, if appropriate. The purpose  
7           behind requiring the attendance of a person with full settlement authority is that the  
8           parties' view of the case may be altered during the face to face conference. An  
9           authorization to settle for a limited dollar amount or sum certain can be found not to  
10          comply with the requirement of full authority to settle<sup>1</sup>.
- 11          5. Parties are directed to submit confidential settlement statements no later than  
12          September 21, 2021 to [ckdorders@caed.uscourts.gov](mailto:ckdorders@caed.uscourts.gov). Plaintiff shall mail his  
13          confidential settlement statement Attn: Magistrate Judge Carolyn K. Delaney, USDC  
14          CAED, 501 I Street, Suite 4-200, Sacramento, California 95814 so it arrives no later  
15          than September 14, 2021. The envelope shall be marked "CONFIDENTIAL  
16          SETTLEMENT STATEMENT." Parties are also directed to file a "Notice of  
17          Submission of Confidential Settlement Statement" (See L.R. 270(d)).

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19          <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, "the district court has  
20          the authority to order parties, including the federal government, to participate in mandatory  
21          settlement conferences... ." United States v. United States District Court for the Northern  
22          Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9<sup>th</sup> Cir. 2012)("the district court has broad  
23          authority to compel participation in mandatory settlement conference[s]"). The term "full  
24          authority to settle" means that the individuals attending the mediation conference must be  
25          authorized to fully explore settlement options and to agree at that time to any settlement terms  
26          acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653  
27          (7<sup>th</sup> Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9<sup>th</sup>  
28          Cir. 1993). The individual with full authority to settle must also have "unfettered discretion and  
authority" to change the settlement position of the party, if appropriate. Pitman v. Brinker Int'l.,  
Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003), amended on recon. in part, Pitman v. Brinker Int'l.,  
Inc., 2003 WL 23353478 (D. Ariz. 2003). The purpose behind requiring the attendance of a  
person with full settlement authority is that the parties' view of the case may be altered during the  
face to face conference. Pitman, 216 F.R.D. at 486. An authorization to settle for a limited dollar  
amount or sum certain can be found not to comply with the requirement of full authority to settle.  
Nick v. Morgan's Foods, Inc., 270 F.3d 590, 596-97 (8<sup>th</sup> Cir. 2001).

